

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RADAMED VELEZ,

Plaintiff,

v.

MIDLAND CREDIT MANAGEMENT

and

MIDLAND FUNDING, LLC

Defendant.

Civil Action No.

16 2597

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. § 1441(b) and 28 U.S.C. § 1331, Defendants, Midland Credit Management, Inc. ("MCM") and Midland Funding, LLC ("MF"), by and through its counsel, Marshall Dennehey Warner Coleman & Goggin, P.C., hereby removes the action captioned as Radamed Velez v. Midland Credit Management, Inc. and Midland Funding, LLC (hereinafter "the Midland Defendants"), docket no. 1604058283, as filed in the Court of Common Pleas for Philadelphia County, Pennsylvania ("the Action"), to the United States District Court for the Eastern District of Pennsylvania, based upon the following:

1. On or about April 25, 2016 Plaintiff filed the Action in the Court of Common Pleas for Philadelphia County, Pennsylvania. A true and correct copy of Plaintiff's Complaint in the Action is attached hereto as Exhibit "A."
2. The Midland Defendants first received notice of the Action on or about April 26, 2016, when it were served with Plaintiff's Complaint.

3. Based on the foregoing, the Midland Defendants has timely filed this Notice of Removal within thirty days of being served with the Complaint and within thirty days of the date that the Action was first removable. See 28 U.S.C. § 1446(b).

4. The Action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by the Midland Defendants pursuant to the provisions of 28 U.S.C. § 1441(b), in that Plaintiff has alleged that the Midland Defendants violated the Fair Debt Collections Practices Act, 15 U.S.C. § 1692, et seq., thereby asserting claims that arise under federal law.

5. In that the causes of action alleged by the Plaintiff arise from the performance of obligations of the parties within Philadelphia County, Pennsylvania, the United States District Court for the Eastern District of Pennsylvania should be assigned the Action.

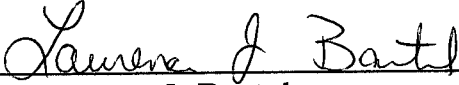
6. Pursuant to 28 U.S.C. § 1446(d), MCM will file a copy of this Notice of Removal with the Clerk of the United States District Court for the Eastern District of Pennsylvania, will serve Plaintiff with copies of this Notice of Removal and will file the Notice of Removal in the Philadelphia County Court of Common Pleas.

WHEREFORE, Defendants, Midland Credit Management, Inc. and Midland Funding, LLC notifies this Court that this Action is removed from the Court of Common Pleas for Philadelphia County, Pennsylvania to the United

States District Court for the Eastern District of Pennsylvania pursuant to the provisions of 28 U.S.C. §§1331, and 1446.

Respectfully submitted,

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

By: 
Lawrence J. Bartel
2000 Market Street, Suite 2300
Philadelphia, PA 19103
(215) 575-2780 / (215) 575-0856 (f)
MEFitzgerald@mdwcg.com
Attorneys for Defendant
Midland Credit Management, Inc. and
Midland Funding, LLC

Dated: May 24, 2016

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RADAMED VELEZ,

Plaintiff,

v.

MIDLAND CREDIT MANAGEMENT

and

MIDLAND FUNDING, LLC

Defendant.

Civil Action No.

CERTIFICATE OF SERVICE

I, Lawrence J. Bartel, do hereby certify that a true and correct copy of Defendants, Midland Credit Management, Inc. and Midland Funding, LLC's Notice of Removal was served upon the below-listed counsel of record by regular mail on May 25, 2016.

Andrew Milz, Esquire
Flitter Milz P.C.
450 N. Narberth Avenue, Suite 101
Narberth, PA 19072

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

By: Lawrence J. Bartel
Lawrence J. Bartel
Attorneys for Defendant
Midland Credit Management, Inc.

Dated: May 25, 2016

EXHIBIT "A"

Court of Common Pleas of Philadelphia County

Trial Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

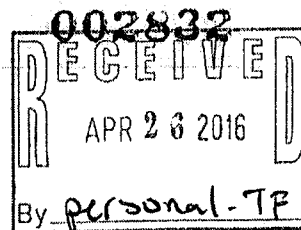
APRIL 2016

E-Filing Number: 1604058283

DEFENDANT'S NAME
MIDLAND CREDIT MANAGEMENTDEFENDANT'S ADDRESS
8875 AERO DRIVE SUITE 200
SAN DIEGO CA 92123DEFENDANT'S NAME
MIDLAND FUNDING, LLCDEFENDANT'S ADDRESS
8875 AERO DRIVE SUITE 200
SAN DIEGO CA 92123

DEFENDANT'S NAME

DEFENDANT'S ADDRESS

PLAINTIFF'S NAME
RADAMED VELEZPLAINTIFF'S ADDRESS
51 RED MAPLE LANE
LEVITTOWN PA 19055

PLAINTIFF'S NAME

PLAINTIFF'S ADDRESS

PLAINTIFF'S NAME

PLAINTIFF'S ADDRESS

TOTAL NUMBER OF PLAINTIFFS

1

TOTAL NUMBER OF DEFENDANTS

2

COMMENCEMENT OF ACTION

- ☒ Complaint ☐ Petition Action ☐ Notice of Appeal
☐ Writ of Summons ☐ Transfer From Other Jurisdictions

AMOUNT IN CONTROVERSY

- ☒ \$50,000.00 or less
☐ More than \$50,000.00

COURT PROGRAMS

- ☒ Arbitration
☐ Jury
☐ Non-Jury
☐ Other:

- ☐ Mass Tort
☐ Savings Action
☐ Petition

- ☐ Commerce
☐ Minor Court Appeal
☐ Statutory Appeals

- ☐ Settlement
☐ Minors
☐ W/D/Survival

CASE TYPE AND CODE

10 - CONTRACTS OTHER

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

**FILED
PRO PROTHY****APR 25 2016****E. MASCUILLI**IS CASE SUBJECT TO
COORDINATION ORDER?
YES NO

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: RADAMED VELEZ

Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY

ANDREW M. MILZ

PHONE NUMBER

(610) 668-0018

FAX NUMBER

(610) 667-0552

ADDRESS

FLITTER MILZ, P.C.
450 N. NARBERTH AVENUE
SUITE 101
NARBERTH PA 19072

SUPREME COURT IDENTIFICATION NO.

207715

E-MAIL ADDRESS

amilz@consumerslaw.com

SIGNATURE OF FILING ATTORNEY OR PARTY

ANDREW MILZ

DATE SUBMITTED

Monday, April 25, 2016, 05:54 pm

FINAL COPY (Approved by the Prothonotary Clerk)

USTED ESTA ORDENADO COMPARECER EN Arbitration Hearing 1880 JFK Blvd. 5th fl. at 09:15 AM - 01/30/2017

You must still comply with the notice below. USTED TODAVIA DEBE CUJPLIR CON EL AVISO PARA DEFENDERSE.

This matter will be heard by a Board of Arbitrators at the time, date and place specified but, if one or more parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties.

There is no right to a trial de novo on appeal from a decision entered by a judge.

BY: CARY L. FLITTER, ESQUIRE

ATTESTED BY: RADAMED VELEZ

IDENTIFICATION NO. 25047

BY: ANDREW M. MILZ, ESQUIRE

THIS IS AN ARBITRATION MATTER Attested by the

IDENTIFICATION NO. 207715

Office of Judicial Records

450 N. NARBERTH AVENUE, SUITE 101

25 APR 2016 05:54 pm

NARBERTH, PA 19072

E. MASCOILLI

(610) 822-0782

RADAMED VELEZ

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY

Plaintiff

v.

CIVIL ACTION

TERM, 2016

MIDLAND CREDIT MANAGEMENT

NO.

and

MIDLAND FUNDING, LLC

Defendants

TO THE DEFENDANT:

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL & INFORMATION SERVICE:
Philadelphia Bar Association
One Reading Center
Philadelphia, PA 19107
(215) 238-1701

ADVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) días de plaza al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecía escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

SERVICIO DE REFERENCIA E INFORMACION LEGAL:
Philadelphia Bar Association
One Reading Center
Philadelphia, PA 19107
(215) 238-1701

FLITTER MILZ, P.C.
BY: CARY L. FLITTER, ESQUIRE
IDENTIFICATION NO. 35047
BY: ANDREW M. MILZ, ESQUIRE
IDENTIFICATION NO. 207715
450 N. NARBERTH AVENUE, SUITE 101
NARBERTH, PA 19072
(610) 822-0782

RADAMED VELEZ
51 Red Maple Lane
Levittown, PA 19055,

Plaintiff

v.

MIDLAND CREDIT MANAGEMENT
8875 Aero Drive, Suite 200
San Diego, CA 92123

and

MIDLAND FUNDING, LLC
8875 Aero Drive, Suite 200
San Diego, CA 92123,

Defendants

ATTORNEY FOR PLAINTIFF
RADAMED VELEZ

THIS IS AN ARBITRATION MATTER

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

CIVIL ACTION

TERM, 2016

NO.

COMPLAINT

I. INTRODUCTION

1. This action is brought pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 ("FDCPA"). The FDCPA prohibits debt collectors from engaging in deceptive and unfair practices in the collection of consumer debt.

2. Defendant debt collectors sent a collection notice to Plaintiff that misrepresents potential tax implications of settlement of the consumer debt claimed due. Defendants deceptively state in their collection letter to Plaintiff that they "will report forgiveness of debt as required by IRS regulations," even though there can be no conceivable circumstances in which IRS reporting would be required on small debts of under \$600.

3. Defendants have violated the FDCPA by using false and deceptive representations in the collection of consumer debt.

II. PARTIES

4. Plaintiff Radamed Velez is a consumer who resides in Levittown, Pennsylvania at the address captioned above.

5. Defendant Midland Credit Management ("MCM") is a nationwide debt collector with a principal place of business at the address captioned.

6. Defendant Midland Funding, LLC ("Midland Funding") is a purchaser of charged-off consumer debts and has a principal place of business at the address captioned.

7. Defendants MCM and Midland Funding are collectively referred to as "Midland" or "Defendants."

8. Defendants regularly engage in the collection of consumer debts using the mails and telephone or purchase consumer debt after default for the purposes of collection.

9. Each Defendant is a "debt collector" as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

10. Midland Funding engaged MCM to collect the accounts here in issue.

11. Midland Funding is responsible for the acts of its collector, MCM.

IV. STATEMENT OF CLAIM

12. On April 27, 2015, Defendant MCM sent Plaintiff a communication in connection with a consumer debt allegedly due Midland Funding and arising from an old Citibank, N.A. account. (See correspondence from MCM attached hereto as Exhibit "A," redacted).

13. The collection communication listed a "Current Balance: \$513.68." (See Exhibit "A," redacted).

14. The April 27, 2015 letter goes on to state: “We will report forgiveness of debt as required by IRS regulations.” (Id.).

15. Section 6050P of the Internal Revenue Code and its regulations require that an applicable entity report (on Form 1099-C) any cancellation or discharge of indebtedness in excess of \$600.00, only if there has occurred an “identifiable event” described in paragraph (b)(2) of that section.

16. With a debt in the amount of \$513.68, as claimed here, there could never be any discharge over \$600.00 sufficient to trigger Midland’s IRS reporting obligation.

17. As a Form 1099-C would never issue in relation to this debt, injecting the gratuitous language about “report[ing of] forgiveness of debt as required by IRS regulations” serves only to confuse, deceive and intimidate.

18. The gratuitous, *in terrorem* reference in a collection letter that a creditor may be required to provide information on the consumer to the IRS is a collection ploy which suggests involvement of the IRS to the least sophisticated consumer.

19. The above statement is deceptive and misleading in the context of a collection letter seeking less than \$600.00.

COUNT I – FAIR DEBT COLLECTION PRACTICES ACT

20. Plaintiff repeats the allegations set forth above as if the same were set forth at length herein.

21. Defendants violated the FDCPA by sending collection letters to Plaintiff which:

(a) Make false, deceptive, or misleading representations or statements in connection with the collection of consumer debt, 15 U.S.C. § 1692e; and

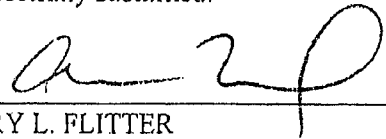
(b) Use false representation and deceptive means to collect a consumer debt, 15 U.S.C. §1692e(10).

WHEREFORE, Plaintiff Radamed Velez demands judgment against Defendants Midland Credit Management, Inc. and Midland Funding, LLC for:

- (a) Damages;
- (b) Attorney's fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.

Respectfully submitted:

DATE: 4/25/16


CARY L. FLITTER
ANDREW M. MILZ

FLITTER MILZ, P.C.
450 N. Narberth Avenue, Suite 101
Narberth, PA 19072
(610) 822-0782

Attorneys for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

RADAMED VELEZ

(b) County of Residence of First Listed Plaintiff PHILADELPHIA, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Andrew Milz, Esq., 450 N. Narberth Avenue, Suite 101, Narberth, PA 19072; 610-668-0018

DEFENDANTS

MIDLAND CREDIT MANAGEMENT and Midland Funding, LLC

County of Residence of First Listed Defendant SAN DIEGO, CA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Lawrence J. Bartel, Esq., 2000 Market Street, Suite 2300, Philadelphia, PA 19103 (215)575-2780.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
47 U.S.C. § 227, et seq. and 15 U.S.C. § 1692, et seq.

Brief description of cause:
Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
05/25/2016

SIGNATURE OF ATTORNEY OF RECORD

Lawrence J. Bartel

MAY 25 2016

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

JCJ

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

16

2597

DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff Radamed Velez c/o Andrew Milz, Esq. - 450 N. Narberth Avenue, Suite 101, Narberth, PA 19072

Address of Defendant Midland Credit Management and Midland Funding, LLC c/o Lawrence J. Bartel - 2000 Market Street, Ste. 2300, Philadelphia, PA 19103

Place of Accident, Incident or Transaction Philadelphia County, Pennsylvania

(Use Reverse Side for Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 8.1(a))

Yes ☒ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier number case pending or within one year previously terminated action in this court?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases

(Please specify) Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq.

B. Diversity Jurisdiction Cases

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability - Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Lawrence J. Bartel counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE May 25, 2016

Lawrence J. Bartel
Attorney-at-Law

94006

Attorney I.D. #

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE May 15, 2016

Lawrence J. Bartel

94006

MAY 25 2016

JCJ

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CASE MANAGEMENT TRACK DESIGNATION FORM**

RADAMED VELEZ: **CIVIL ACTION**

v.

:

**MIDLAND CREDIT MANAGEMENT
AND MIDLAND FUNDING, LLC**: **NO.****16 2597**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus-Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security-Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration-Cases require to be designated for arbitration under Local Civil Rule 53.2. **(X)**
- (d) Asbestos-Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management-Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management--Cases that do not fall into any one of the other tracks. ()

May 25, 2016
Date

Lucrecia J. Bartel
Attorney-at-law

Defendant,
Midland Credit Management,
Inc.
Attorney for

LJBartel@mdwecg.com

(215) 575-2780
Telephone

(215) 575-0856
FAX Number

E-Mail Address

MAY 25 2016